

BILL ANALYSIS

S.B. 1147
By: Harris
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The presiding judges of the nine administrative judicial regions are charged with appointing associate judges to preside over the child protection and child support cases heard across state. Associate judges, appointed pursuant to Subchapters B and C of Chapter 201 of the Texas Family Code, are state employees hired by and paid by the Office of Court Administration (OCA). If an associate judge becomes unable to perform the judge's official duties (due to illness, injury, retirement, or some other similar event), the presiding judge of that administrative region may fill the vacancy by appointing a retired or former associate judge to serve as a "visiting associate judge." Yet, because Sections 201.113 and 201.208, Family Code, provide that a "visiting associate judge is not considered to be a state employee for any purpose," OCA has to hire those individuals as contractors. This becomes problematic because Section 2252.901, Government Code, prohibits a state agency from contracting with a former employee for a one year period following the employees last date of employment with the agency.

As proposed, S.B. 1147 exempts visiting associate judges from Section 2252.901 of the Government Code, to allow the presiding judges to appoint (and OCA to contract with) retired or former child protection and child support associate judges to sit as visiting associate judges regardless of when they were last employed by OCA.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 201.113, Family Code, by adding Subsection (d), to provide that Section 2252.901 (Contracts With Former or Retired Agency Employees), Government Code, does not apply to the appointment of a visiting associate judge under this section.

SECTION 2. Amends Section 201.208, Family Code, by adding Subsection (e) to provide that Section 2252.901 (Contracts With Former or Retired Agency Employees), Government Code, does not apply to the appointment of a visiting associate judge under this section.

SECTION 3. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

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